

David S. Frist

Partner

404.881.7874

david.frist@alston.com

Atlanta | One Atlantic Center, 1201 West Peachtree Street, Suite 4900 | Atlanta, GA 30309-3424



David Frist is a partner in the firm’s Intellectual Property Litigation Group. David's practice includes all areas of intellectual property litigation and counseling, with a particular emphasis on patent litigation and enforcement. He has represented clients in patent infringement lawsuits in federal district courts across the United States, including cases involving telecommunications, computer software and various mechanical devices. David was recently named a 2019 “Client Service All-Star” in BTI Consulting Group’s annual survey of the nation’s top lawyers identified by corporate counsel as having “defined the new standard in client service excellence.” This prestigious designation is given to only 335 lawyers nationwide. David was also named to *The Best Lawyers in America*® for 2020-2022 in the area of Litigation – Intellectual Property.

David received his J.D., magna cum laude, in 2007 from the University of Georgia School of Law, where he served as notes editor of the *Georgia Law Review* and was inducted into the Order of the Coif. Prior to attending law school, David worked as a senior product engineer for a technology company that developed web-based applications for retail companies. In 2002, David earned his B.A. in computer science from Duke University.

Representative Experience

- Represented respondents Nokia Corporation and Alcatel Submarine Networks in an action regarding submarine fiber-optic transmission systems. *Certain Subsea Telecommunications Systems and Components Thereof*, Inv. No. 337-TA-1098.
- Represented respondent Diebold in an investigation relating to deposit automation technologies. *Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same*, Inv. No. 337-TA-989 (ITC).
- Represented Complainant Diebold in an investigation relating to deposit automation technologies. *Certain Automated Teller Machines, ATM Modules, Components Thereof, and Products Containing the Same*, Inv. No. 337-TA-972.
- Represented NSN in eight co-pending district court actions relating to infrastructure and devices in a mobile telecommunications network. *Huawei Technologies Co. Ltd. v. T-Mobile, US Inc., et al.*, Nos. 16-cv-00052, -55, -56, -57 (E.D. Tex.); *Nokia Solutions and Networks US LLC v. Huawei Technologies Co. Ltd.*, Nos. 16-cv-00753, -754, -755, -756 (E.D. Tex.).
- Represented Nokia against Apple in separate ITC actions involving cellular communication chipsets and antenna design. *Certain Electronic Devices, Including Mobile Phones, Tablet Computers, and Components Thereof*, Inv. Nos. 337-TA-1038 and -1039.
- Represented NCR against a claim of patent infringement. *Open Network Solutions v. NCR Corp.*, No. 1:14-cv-00704 (D. Del.).
- Represented defendants against a claim of patent infringement. *Activelight v. Dunkin' Donuts, Smashburger, Wendy's*, Nos. 1:13-cv-01597, 1757, 1758 (D. Del.).

- Represented Microsoft and Nokia against InterDigital in patent infringement litigation. *InterDigital Communications v. Nokia Corporation, et al.*, No. 1:13-cv-00010 (D. Del.).
- Represented Microsoft and respondent Nokia against InterDigital in multiple cases relating to wireless telecommunications. *Certain Wireless Devices with 3G Capabilities and Components Thereof*, ITC Inv. No. 337-TA-800, and *Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof*, ITC Inv. No. 337-TA-868.
- Represented Volusion in proceedings to invalidate two Versata patents. *Volusion, Inc. v. Versata Software, Inc. et al.*, Nos. CBM2013-00017, CBM2013-00018, Patent Trial and Appeal Board.
- Represented Nokia in defense of patent infringement claims relating to speech coding and GSM technology. *WIAV Solutions, LLC v. Motorola, et al.*, No. 3:09-cv-00447 (E.D. Va.).
- Represented Nokia in patent infringement litigation against Apple over patents relating to computer and smart phone technology. *Certain Electronic Devices, Including Mobile Phones, Portable Music Players, and Computers*, ITC Inv. No. 337-TA-701, *Certain Mobile Communications and Computer Devices and Components Thereof*, ITC Inv. No. 337-TA-704, and *Certain Personal Data and Mobile Communications Devices and Related Software*, ITC Inv. No. 337-TA-710.
- Represented a patent owner in the assertion of patent rights related to prelubricated cable. *Southwire Company v. Encore Wire Corporation and Cerro Wire Inc.*; No. 6:09-cv-00289 (E.D. Tex.).
- Represented St. Luke's in an appeal related to a copyright and trademark infringement matter. *St. Luke's Cataract & Laser Institute, P.A. v. Sanderson, et al.*, No. 08-cv-01849 (11th Cir.).
- Represented SunTrust in patent infringement litigation related to object-oriented software. *DataTern, Inc. v. Allstate Corp. et al.*, No. 2:09-cv-00178 (E.D. Tex.).
- Represented Nokia in patent infringement litigation related to smart phone technology. *Aloft Media, LLC v. Nokia Inc. et al.*, No. 2:08-CV-00099 (E.D. Tex.).
- Represented several defendants in multidistrict patent litigation. *In re Katz Interactive Call Processing Patent Litigation*, 2:07-ML-01816-RGK-FFM (C.D. Cal.).

Publications & Presentations

Publications

- “Joinder: Over a Year After the America Invents Act,” *Landslide*, March/April 2013.

Education

- University of Georgia (J.D., 2007)
- Duke University (B.A., 2002)

Admitted to Practice

- Georgia
- U.S. Patent and Trademark Office

Related Services

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